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REMARKS

No claims have been cancelled by this amendment. New claims 41-46 have been added. Applicant respectfully requests reconsideration of currently pending claims 25-46.

INFORMATION DISCLOSURE STATEMENT

Certain references in the information disclosure filed January 14, 2005 were not considered by the Examiner because such references were said to be not legible. As suggested by the Examiner, an amended FORM-1499 is filed herewith to address this issue.

DOUBLE PATENTING REJECTION

In the Office Action, Claims 25-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 5,700,007. Applicant respectfully traverses. Nonetheless, and solely in order to expedite the issuance of the present application, a terminal disclaimer is filed herewith.

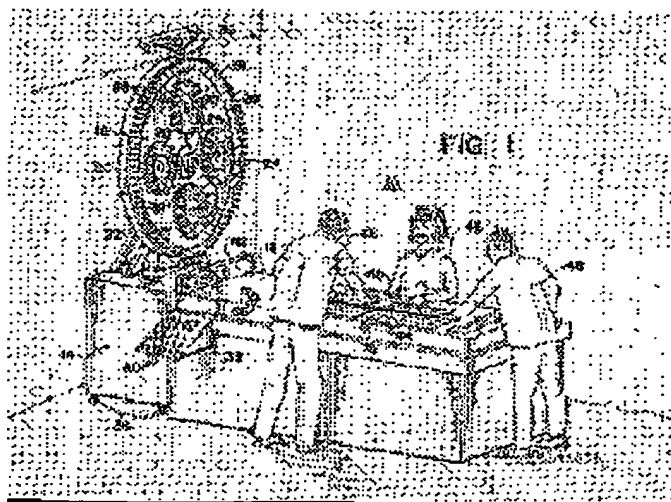
Prior Art Rejections

All claims stand rejected in view of U.S. Patent No. 5,184,821 issued to Korenek, hereafter "*Korennek*". Claims 25-29 and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by *Korennek*, and claims 30, 31, 34-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Korennek*.

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Korenek Distinguished

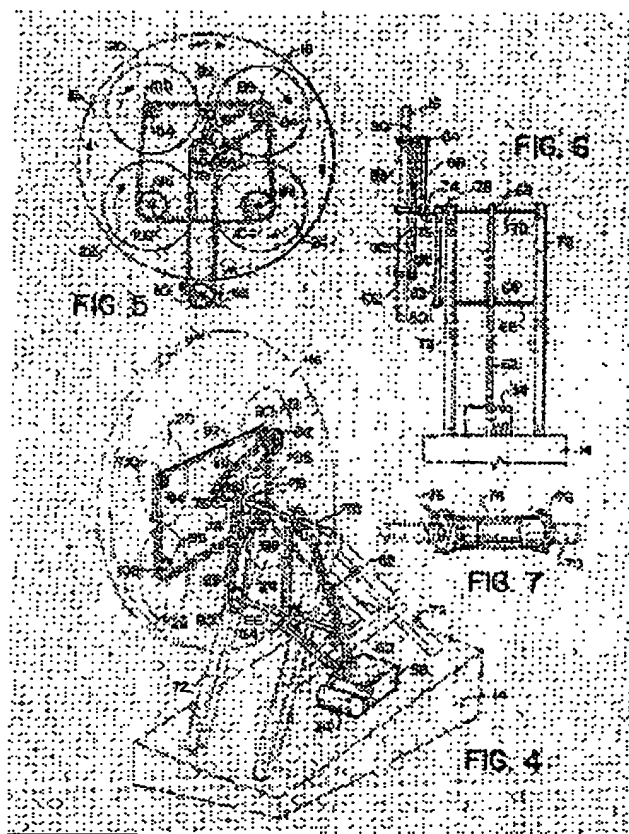
*Korenek* discloses a game apparatus for playing poker and similar card games, including a playing table having a number of images which may be selectively lit to indicate winning bets, an indicator board to indicate identified cards, and a switchboard for controlling the playing table. Also disclosed are a number of rotatable wheels driven by an electric motor and a number of different size sprockets connected to the electric motor by a series of chains, whereby the number of rotatable wheels may be simultaneously driven at different speeds of rotation. The rotatable wheels include a large wheel having randomly selected images of a complete deck of cards plus a Joker, the suits being arranged to alternate a red and a black card, and four smaller wheels mounted on the large wheel and having randomly selected images of thirteen cards from a second deck, the suits being arranged in a manner similar to the large wheel. Spring markers cooperate with pins on the wheel to identify selected cards. Fig. 1 of *Korenek* is reproduced below:



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Each of Applicant's independent claims (i.e. claims 25, 34, 41, and 42) require that the segment to which the pointer points when the rotary indicator is in a stopped position is *predetermined*. That is, Applicant's device is an *indicator* of a predetermined result. In contrast *Korenek's* device is a randomizer in that the ending position of the segment aligned with the pointer is unknown until the wheel stops.

The mechanism of *Korenek* can be clearly seen in the following Illustrations:



The various wheels are driven by a motor-driven chain-and-sprocket arrangement. Their stopping position is unknown. For example, *Korenek*

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teaches that a card game dealer, such as a poker dealer, "rotates wheels 16, 18, 20, 22, 24 and 26 for any desired period of time" at the poker dealer's discretion (see column 3, lines 10-14). After the dealer shuts off the motor, then "[t]he wheels 18-26 coast to a halt soon after the power to motor 34 is disconnected" (see column 3, lines 15-16). Clearly, with the device of *Korenek*, then ending positions of the wheels cannot be predetermined.

Furthermore, *Korenek* does not show or suggest rotary wheels with radial segments, as claimed by Applicant. Therefore, stopping a rotary wheel at a predetermined segment could not have even been contemplated by *Korenek*.

Even if, *arguendo*, *Korenek's* motor were, for example, a stepper motor (it clearly is not, since the wheels are allowed to coast to a halt), it would not be possible to stop the wheel(s) in a predetermined position with any accuracy. That is because there is no wheel position sensor associated with *Korenek's* device. Furthermore, since *Korenek* does not teach segments, there can be no segment position detectors associated with *Korenek's* device.

Applicant's independent claims all include position detectors which can accurately determine the position of the segments. By sensing the position of the segments, it is possible to accurately and reliably stop the wheel such that a predetermined segment is aligned with the pointer. This is, of course, not disclosed or suggested by *Korenek* who is not interested in stopping his wheel at a predetermined position and who does not have wheel segments.

It is therefore clear that Independent Claims 25, 34, 41 and 42 neither are anticipated nor are made obvious by *Korenek*, and are therefore allowable.

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Claims 26-33, 35-40 and 43-46 are either directly or indirectly depend on the independent claims and, therefore, are patentable for at least the same reasons as claims 25, 34, 41 and 42. Applicant respectfully requests that the rejections of the claims be withdrawn.


### CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4311.

The Commissioner is authorized to charge any fees due to Applicants' Deposit Account No. 50-2207.

Respectfully submitted,  
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